Docket: 14177

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor:	Joseph Altin	
Appln. No.:	10/031,859	Examiner: Ileana Popa
Filed:	October 26, 2001	Group Art Unit: 1633
Title:	MODEL MEMBRANE SYSTEMS	

RESPONSE TO REQUIREMENT FOR RESTRICTION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

I hereby certify that this document is being sent via First Class U. S. mail addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 29th day of June, 2006.

Janet M Macleod
(Signature)

Sir:

This paper is in response to the requirement for restriction mailed December 29, 2005 for the above-identified application. Applicants request a five month extension of time for responding to the action and enclose a check in the amount of $1080.00 in payment of the fee under 37 C.F.R. § 1.17(a)(5).

The requirement for restriction mailed December 29, 2005 states that the previous restriction requirement and Office Action have been withdrawn. Applicants point out that the official communication mailed October 5, 2004 was a requirement for election of species, not a requirement for restriction. In the Office Action mailed March 29, 2005, the Examiner withdrew Claims 16-20, 22 and 36-39 from consideration as allegedly drawn to a non-elected species.

In the present action, the previous requirement has been withdrawn. The Examiner has now required restriction of Claims 1, 2, 4, 5, 7, 8, 10-15, 21 and 23-35, but has failed to consider

the claims that were withdrawn from consideration as a result of the requirement that has now been vacated. Pursuant to 37 C.F.R. § 1.142(b), claims to a non-elected invention that have been withdrawn from consideration are "subject however to reinstatement in the event the requirement for restriction is withdrawn or overruled." Accordingly, the present requirement is traversed in that it fails to consider all pending claims as required by 37 C.F.R. § 1.142(b). Withdrawal of the requirement for restriction is respectfully requested.

In the requirement for restriction mailed December 29, 2005, the Examiner has alleged that Claims 1, 2, 4, 5, 7, 8, 10-15, 21 and 23-35 are directed to four groups of inventions as follows:

Group I, Claims 1, 2, 4, 5, 8, 10-15, 21 and 23-25, drawn to a method of modifying intact cells for the purpose of altering immunity or for targeting of drugs;

Group II, Claims 1, 2, 4, 5, 7, 8, 10-15, 21 and 23-25, drawn to a method of modifying intact biological membranes for the purpose of altering immunity or for targeting of drugs.

Group III, Claims 1, 2, 4, 5, 7,8, 10-15 and 30-35, drawn to a method of modifying liposomes for the purpose of altering immunity or for targeting of drugs; and

Group IV, Claims 1, 2, 4, 5, 7, 8, 10-15 and 30-35, drawn to a method of modifying synthetic membranes for the purpose of altering immunity or for targeting of drugs.

The Examiner has alleged that the four groups do not relate to a single inventive concept under PCT Rule 13.1 because they lack the same or corresponding special technical features under PCT Rule 13.2.

Applicants respectfully traverse. The groups clearly share a special technical feature in that each of intact cells, biological membranes, liposomes and synthetic membranes have lipid-containing structures into which a chelator lipid may be incorporated.

In order to be fully responsive to the restriction requirement, Applicants elect, with traverse, Group II, Claims 1, 2, 4, 5, 7, 8, 10-15, 21 and 23-35.

The Examiner has further alleged that the claims are directed to species that do not relate to a single inventive concept under PCT Rule 13.1. Applicants elect the species of sonication, but traverse in that sonication and extrusion/filtration share the special technical feature of forming a suspension. Applicants elect the species of "modifying any biological membrane," but traverse in that "modifying immunity to tumors," "modifying any biological response" and "treatment of any disease condition" share the special technical feature of the use of the engrafted molecule of the present invention. Applicants elect the species of ligand, but traverse in that a ligand, receptor, recombinant protein, polysaccharide, glycoprotein and antigen share the special technical feature of engraftment to the membraneous structure. Applicants elect the species of therapeutic drug, but traverse in that a recombinant polypeptide, co-stimulatory molecule, therapeutic drug and nucleic acid molecule share the special technical feature of engraftment or encapsulation. Applicants elect the species of ligand but traverse in that the receptor, ligand, glycoprotein, polysaccharide and recombinant polypeptide share the special technical feature of engraftment.

The foregoing elections of species are for prosecution on the merits, and Applicants will be entitled to consideration of additional species upon the allowance of a generic claim.

Applicants respectfully submit that the requirement for restriction and election of species is in error and request reconsideration thereof. Should the requirement be made final, Applicants reserve the right to petition pursuant to 37 C.F.R. § 1.144.

Respectfully submitted,

DORSEY & WHITNEY LLP

Date: June 29, 2006

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